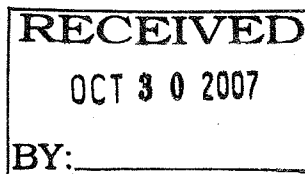




Making San Francisco Bay Better



October 25, 2007

Dan Leavitt, Deputy Director  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

SUBJECT: Draft Bay Area to Central Valley High-Speed Train Program Environmental Impact Report/ Environmental Impact Statement (EIR/ EIS) (Inquiry File No. mc.mc.0706.1)

Dear Mr. Leavitt,

The San Francisco Bay Conservation and Development Commission (BCDC) appreciates the opportunity to review and comment on the *California High-Speed Rail Authority's Draft Bay Area to Central Valley High-Speed Train Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS)*. Although our Commission has not had the opportunity to review the draft EIR/ EIS and therefore these are staff comments, they are based on BCDC's law, the McAteer-Petris Act, and the provisions of its *San Francisco Bay Plan (Bay Plan)*.

As a permitting authority along the San Francisco Bay shoreline, BCDC is responsible for granting or denying permits for all Bay filling, dredging or substantial change in use of land, water or structures within the Bay or on the shoreline, which is defined in the McAteer-Petris Act, as 100 feet landward of, and parallel to, the shoreline of the Bay. BCDC's regulations also require that proposed projects provide maximum feasible public access to the Bay and its shoreline consistent with the proposed project. In addition to the McAteer-Petris Act, an essential part of BCDC's regulatory framework is the Commission's *San Francisco Bay Plan (Bay Plan)*. Projects approved by BCDC must be consistent with the McAteer-Petris Act and the provisions of the Bay Plan.

Given the potential adverse impacts that transportation projects can have on Bay resources when located along the Bay shoreline, or in the Bay, it is important that the planning and design of these facilities is done in a way that both protects and enhances the Bay as a regional resource, while ensuring the viability of a safe and efficient transportation system for the Bay Area. The draft EIR/ EIS for the High-Speed Rail service contains a number of different alignments, some that may have impacts on Bay resources and some that would largely avoid the Bay. Those alignments that would have the greatest impact on the Bay are those described within what the draft EIR/ EIS calls the San Francisco Bay Crossings Corridor. The alternatives described in this corridor include three alternative locations and seven design alternatives for crossing the Bay, including a new transbay tube connecting Oakland and San Francisco and either a bridge or a tube in the vicinity of the existing Dumbarton

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Rail Bridge. While each of these alternatives would result in different types of impacts to the Bay, all of the alternatives would result in fill in the Bay and require the provision of maximum feasible public access.

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If portions of the preferred alignment are located within BCDC's jurisdiction, then the accompanying environmental document should identify the amount of fill proposed, provide an analysis of why that fill is necessary and explain how the proposed fill is the minimum necessary to meet the objectives of the High-Speed Rail project. The project will need to be accompanied by a mitigation package designed to offset the fill in the Bay and by a public access component that would meet BCDC's requirement for maximum feasible public access. The mitigation and public access components should be identified in the environmental document for the selected alignment and should be included in any cost estimates for the Bay crossings alternatives. As was stated in BCDC's comment letter on the NOP, it is important for project proponents and sponsors to contact BCDC early in the project planning phase to allow staff to identify impacts to Bay resources and assist with the mitigation and public access components of the project in a timely fashion.

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In addition to BCDC's fill and public access requirements, the environmental document for the preferred alternative should include a discussion of how the project is consistent with the findings, policies and priority land use area designations of the Bay Plan. In very general terms, the Bay Plan findings and policies direct that where new infrastructure must be developed or existing infrastructure must be expanded, the alignments chosen should be sited and designed to avoid adverse affects on Bay resources (e.g., tidal marshes, tidal flats, restored areas, habitats that support endangered species) and be consistent with BCDC's priority land use areas. The priority land use areas are an important component of the Bay Plan and were established to ensure that sufficient areas around the Bay are reserved for important water-oriented uses such as ports, water-related industry, wildlife refuges and parks. The draft EIR/EIS includes several alternatives that would result in a new alignment through the Don Edwards National Wildlife Refuge which is designated by the Bay Plan as a wildlife refuge priority use area. The project should be designed to avoid an alignment that requires the placement of infrastructure in the wildlife refuge. If it is not possible to avoid the placement of infrastructure in the refuge, the design should minimize the impacts to the refuge and mitigate for those unavoidable impacts.

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The transportation findings and policies of the Bay Plan provide support for public transit facilities, encouraging a reduction in the region's primary reliance on the single-occupant vehicle and the improvement and expansion of systems of transportation that can carry large volumes of people and goods. The High-Speed Rail project is consistent with this objective. Although not stated in the Bay Plan, the region will also be facing increased congestion at the three main commercial airports-San Francisco International Airport, San Jose International Airport and Oakland International Airport. It is possible that a new High-Speed Rail service could help alleviate this congestion, providing an alternative to flights coming from the Central Valley to make connections through Bay Area airports and providing the travelers in the busy Northern to Southern California route an alternative to air travel. Future environmental documents should include further contemplation how High-Speed Rail could complement the service provided at the three main commercial airports and the ways that the two modes could work together to relieve congestion and increase transportation alternatives, particularly during peak travel periods and during emergencies.

L032-6

The Bay Plan also identifies the impacts that all transportation projects may have on Bay resources, including impacts to public access to the Bay, pedestrian and bicycle movement and important wildlife habitat areas. Historically, rail lines and roadway infrastructure along the Bay shoreline resulted in adverse impacts to non-motorized access, recreation and

visual access in many communities near the Bay shoreline. To address these potential impacts, the Bay Plan contains a policy that states "[t]ransportation projects on the Bay shoreline or bridges over the Bay or certain waterways should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline." The provision of non-motorized pathways, such as the Bay Trail, grade separated crossings and the support of non-motorized access to any proposed rail stations will help to ensure that the High-Speed Rail project is integrated fully into the existing communities and transportation systems.

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The Bay Plan includes specific policies regarding additional bridges in the Bay, which state that "[i]f any additional bridge is proposed across the Bay, adequate research and testing should determine whether feasible alternative route, transportation mode or operational improvement could overcome the particular congestion problem without placing an additional route in the Bay." The Bay Plan also includes policy direction regarding the design of any additional bridge to be built over the Bay, including the provision that the route be placed in tunnel rather than a bridge if feasible, that toll plazas and service yards are not to be placed on fill in the Bay, that the bridge should be designed to accommodate non-motorized transportation and that the bridge facilities should provide adequate space and be designed so as not to interfere with pedestrian and bicycle access along the Bay shoreline. This policy is particularly relevant for the alternatives located in the vicinity of the Dumbarton Rail Bridge, which have the potential to impact existing public access where the Bay crossing infrastructure touches down at the Bay shoreline on the eastern and western shores of the Bay. The design of the crossing at this location should include all of the provisions listed above, including the provision of non-motorized public access on the bridge and the design should clearly demonstrate that the project enhances existing public access in the area, rather than degrading this existing access.

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The transportation findings also identify impacts that are often associated with transportation projects sited in the Bay or along its shoreline, such as increased pollution from runoff and harm to marine mammals and fish from pile-driving for bridge construction. The EIR/EIS for the preferred alignment should include a discussion of these impacts if they are relevant.

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For those alignments outside of the San Francisco Bay Crossings Corridor, it appears that the majority of the new High-Speed Rail service would be accommodated by sharing tracks that are currently in use by existing rail passenger and cargo service providers in the Bay Area. Using existing travel corridors should reduce many of the impacts that may be associated with a new train service, however the increase in service on the existing tracks may result in conflicts with the current cargo and passenger services that use the tracks and increase the noise, air quality and public access impacts associated with the service on the tracks.

L032-9

In addition to the issues described above, the Commission has been collaborating with other regional agencies in the Bay Area to find ways to address climate change and associated sea-level rise. The California High-Speed Rail Authority should include provisions for dealing with sea-level rise in its planning for routes over the Bay and along its shoreline.

L032-10

BCDC looks forward to working with the California High-Speed Rail Authority to determine the best possible route through the Bay Area, one that would increase travel efficiency and travel options, while minimizing impacts to Bay resources, including public access and wetland habitats. BCDC recognizes that a well-designed High-Speed Rail system serving the Bay Area could reduce congestion at the region's airports, reduce automobile

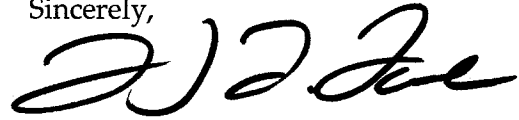
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trips, improve air quality and contribute a cleaner way to connect the northern and southern regions of the state. Thank you again for the opportunity to review and comment on the draft EIR/ EIS. If you have any questions please contact me at (415) 352-3642.

L032-11  
Cont.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lindy L. Lowe', with a stylized, cursive script.

LINDY L. LOWE  
Senior Planner